

Arent Fox

ATTORNEYS AT LAW

Craig Engle
 202.775.5791 DIRECT
 202.857.6395 FAX
 engle.craig@arentfox.com

June 20, 2005

Adam J. Schwartz
 Federal Election Commission
 999 Street, NW
 Washington, DC 20463

Re: MUR 5648
Broyhill for Congress et al.

2005 JUN 20 P 2:40
 FEDERAL ELECTION
 COMMISSION
 OFFICE OF GENERAL
 COUNSEL

Dear Mr. Schwartz:

In anticipation of our meeting, I interviewed Christy Wilson who has first-hand information about the Broyhill Campaign's timely filing of an FEC Form 10 for loans on March 12, April 30, and June 8, 2004.

More specifically, I asked Ms. Wilson for a full description of Exhibits B and C to my April 5, 2005 correspondence to you which asserted the forms were timely filed. Ms. Wilson was the Finance Director of the campaign and is very proficient in Microsoft Office Suite and used it to maintain the campaign's books and records, and to make certain filings with the FEC.

Ms. Wilson used Microsoft Outlook to send FEC Form 10s on May 1 and June 9, 2004. Because the FEC does not generate receipts from its server for these miscellaneous emails or reports (unlike, for example, the filing of a regularly scheduled FEC Report on the Commission's software), Ms. Wilson asked Outlook to generate a "read" receipt for these two emails. The Commission's server, however, will not generate read receipts or delivery confirmations: it will only allow Microsoft Outlook to indicate that the email to the Commission had been successfully relayed and that the FEC's system does not support delivery confirmations.

The Commission's system is typical of federal government agencies that receive a variety of reports from their respective regulated communities: federal servers are rarely programmed to send "email read" receipts. Instead, the agency will only show that it was received by its server.

Ms. Wilson explained that she was able to program Microsoft Outlook to generate this printout by going to the Toolbar, then to Message Options, and then to request a delivery receipt and/or a read receipt. She received these email notifications after sending the reports to the Commission on May 1 and June 9, 2004. Each printout shows that broyhillforcongress.us was the sender and 2022190174@fec.gov (a Commission fax number) was the recipient.

26044142528

Adam J. Schwartz

June 20, 2005

Page 2

The Action item on the printout page shows the message was relayed and the return recipient was Christy Wilson. Lastly, these email notifications were stored in Ms. Wilson's Campaign Folder, and then moved to her Deleted Folder. Fortunately, she was able to retrieve them on Tuesday, March 1, 2005, around the time the campaign was preparing its Response to the FEC.

Adam, I hope this information is helpful. I look forward to meeting you and reaching a prompt resolution of this matter.

Sincerely,



Craig Engle

26044142529